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Paper No. 6

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JUL 02 2002

In re Application of
Walker et al.
Application No. 10/007,108
Filed: November 12, 2001
Attorney Docket No. 97-051-C1

OFFICE OF PETITIONS
DECISION GRANTING
PETITION

This is a decision on the petition filed March 26, 2002, to accord the above-identified application a filing date of November 12, 2001.

On November 12, 2001, the application was filed.

On March 14, 2002, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of drawings.

In response, the present petition was filed alleging that drawings were deposited on November 12, 2001. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "Formal Drawings (19 sheets: Figs 1-7B)" on November 12, 2001.¹ Petitioner has also submitted a copy of the missing documentation- 19 sheets of drawings.

Upon review of the record, the drawings deposited on November 12, 2001, have not been located. However, the evidence is convincing that the application papers deposited on November 12, 2001, included drawings, and that the drawings were subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of November 12, 2001.

In view of the above, the petition is **granted**. The copy of the 19 sheets of drawings submitted with the petition will be used for examination purposes.

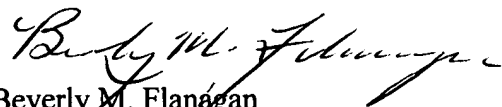
The petition fee of \$130 previously charged to petitioner's deposit account will be credited to the deposit account.

The Notice mailed March 14, 2002, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 12, 2001, using the application papers filed on November 12, 2001, and the copy of the 19 sheets of drawings filed on March 26, 2002.

¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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